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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

JENNIFER BEASLEY; DR. KIFFANY  
PRIDE; LAURA SHIRLEY; and  
NICOLE TOWNSEND,

PLAINTIFFS,

VS. NO. 4:18-cv-508-DPM

DR. CHARLES MCNULTY, in his official  
capacity as Superintendent of Schools  
of the Pulaski County Special School  
District; PULASKI COUNTY SPECIAL SCHOOL  
DISTRICT BOARD OF DIRECTORS; and  
PULASKI COUNTY SPECIAL SCHOOL DISTRICT,  
a public body corporate,

DEFENDANTS.

---O---

DEPOSITION

OF

PAUL BREWER

---O---

TUESDAY, JUNE 4, 2019

---O---

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A P P E A R A N C E S:

ON BEHALF OF PLAINTIFFS:

JOHN WALKER, ESQUIRE  
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John Walker Law Firm  
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ON BEHALF OF DEFENDANTS:

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425 West Capitol Avenue  
Suite 3200  
Little Rock, Arkansas 72201

ALSO PRESENT:

DR. KIFFANY PRIDE  
MS. LAURA SHIRLEY  
MS. NICOLE TOWNSEND

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1 The deposition of Paul Brewer was taken  
2 before me, Debbye L. Petre, Certified Court Reporter  
3 and notary public within and for the County of  
4 Pulaski, State of Arkansas, duly commissioned and  
5 acting, on Tuesday, June 4, 2019, beginning at the  
6 hour of 2:15 p.m., at the offices of Pulaski County  
7 Special School District, Administration Building, 925  
8 East Dixon Road, Little Rock, Pulaski County,  
9 Arkansas.

10 Said deposition being taken in  
11 accordance with the Rules of Federal Procedure and  
12 pursuant to the provisions of the Arkansas Rules of  
13 Civil Procedure at instance of counsel for the  
14 Plaintiffs in the above-styled case in the United  
15 States District Court, Eastern District of Arkansas,  
16 Western Division.

17 ---O---

18 THEREUPON, the following proceedings were had,  
19 to-wit:

20 ---O---

21

22



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## PROCEEDINGS

WHEREUPON,

PAUL BREWER,

having been called for examination, and having been first duly sworn, was examined and testified as follows:

## DIRECT EXAMINATION

BY MR. WALKER:

Q What is your name?

A Paul Brewer.

Q Where do you work?

A Pulaski County Special School District.

Q What is your position?

A I'm an Assistant Superintendent -- Interim Assistant Superintendent for Human Resources.

Q Mr. Brewer, did you participate in the employment decisions that were made in April -- March, April, and May of 2018?

A Yes.

Q Did you receive any directive from any source as to how you were to participate in those decisions?

A I did.

Q From whom did you receive them?

A The School Board, the night that we presented the allocations, were not happy with that because

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there wasn't enough funds cut from the allocations.

So, they instructed Doctor Warren and I to go back and take a look and see where we could possibly cut Central Office.

Q I have looked for a Board minute directing you all to do that. Was there ever a Board minute to that effect?

A I don't know.

Q Did you hear the Board act by way of a motion?

A I don't remember a motion. It was more like a directive.

Q Well, how do you get a directive from an amorphous Board which does not have identity?

A I just know it was the contention of that Board, I felt like it was unanimous, that they said they were not going to accept the allocations, and that we were to go back and take a look at where we could cut staff out of the Central Office.

Q Out of the Central Office?

A That was what they said. And take a look at others, as well. And that would have included support staff, which was not directly homed in the Central Office, but they were pertaining to security and some other positions, possibly clerical.

Q Were any of your -- are any of your beliefs

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about what your instructions are reduced to writing?

A No.

Q Is there any record of your verbal instructions that were given? Is there any way we can validate them?

A Not that I'm aware of.

Q Did Doctor Remele preside over the meeting on that night?

A She did.

Q Did she make any comments that you remember from that night?

A I just remember her saying that they had taken a look at our recommendations for allocations for the following year, and said that they wanted us to go back -- "they" meaning the Board, there was head nods, possibly like that. There was no -- it was more of a directive. She was the one that directed us to -- "us" meaning Doctor Warren and myself, to take a look and see where we could possibly cut.

Q Did she make that comment?

A Did she make the comment?

Q Yes.

A Yes.

Q If she said she didn't, would you differ with her?

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A I would have to, because that's the only way I knew to go do it.

Q If Doctor Warren indicates that she was not told to do that, would you disagree with her?

A Yes.

Q Now, who developed the allocations for presentation to the Board on that night?

A Directors and department heads of each department.

Q So, the allocations were not made by you?

A I did not develop the allocations. I presented the allocations to the Board.

Q Did you present them with the approval of Doctor Warren?

A Yes.

Q Did she have anything to do with their development?

A I would say "yes", she had to. This is -- now, we are talking about the Board meeting that they take a look at the allocations and decided they wanted us to go back and cut some at that point.

Q Did they tell you at that time what was too much? They said your allocations were too much, is that what you said?

A The allocations did not represent enough money

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1 cut positions.  
 2 Q Did they tell you how much they wanted cut?  
 3 A They said, "Go back and cut as much as you  
 4 think you can. It's a big operation."  
 5 Q As much as you think you can?  
 6 A Right.  
 7 Q Did they tell you from where to cut?  
 8 A No.  
 9 Q Was it at that meeting -- was that at the  
 10 meeting at the time when they decided to hire Doctor  
 11 McNulty?  
 12 A I believe they hired Doctor McNulty a month or  
 13 two prior to this meeting.  
 14 Q So, he was hired in April.  
 15 A I don't recall exactly when he was hired.  
 16 Q And it is his testimony, I believe, that he was  
 17 hired on April 5th. Do you disagree with that?  
 18 A No.  
 19 Q So, that means that if he was hired on April  
 20 5th, and it was a month or two later, that means your  
 21 allocations would have been, then, in June. Does  
 22 that sound right?  
 23 A No. We normally did allocations in April.  
 24 Q So, were your allocations presented at the same  
 25 time as he was hired?

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1 Board happened at the regular School Board meeting in  
 2 April.  
 3 Q And then, you took about ten days or so to  
 4 develop -- between five and ten days to develop some  
 5 new allocations?  
 6 A Yes. I don't recall the exact --  
 7 Q Do you have a written process -- or did you  
 8 have a written process to guide your decisions with  
 9 respect to revised allocations?  
 10 A Well, there is not --  
 11 Q That's "yes" or "no".  
 12 A That would be a "no".  
 13 Q All right. Now, did you develop an outline for  
 14 the manner in which you would proceed with the  
 15 revised allocations?  
 16 A No.  
 17 Q Did you convene a group of people to help you  
 18 with the revised allocations?  
 19 A Yes.  
 20 Q Did you have any standards for determining who  
 21 would help you with them?  
 22 A Only people that we felt like that were in  
 23 positions where they felt like they would have enough  
 24 input and knowledge as to what we would need to cut.  
 25 Q Well, you convened the group. So, did you have

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1 A I don't recall.  
 2 Q How much time lapsed between the date when you  
 3 perceived them to tell you to go back and redo it and  
 4 the time you actually did it?  
 5 A Well, we presented them -- I'm doing recall  
 6 now. So, we presented them in April, the regular  
 7 School Board meeting. I want to say they said, "We  
 8 will have a special meeting in about one week." I  
 9 can't be exact on recall. But it was the next five  
 10 to six, maybe, days from that time. And we were to  
 11 come back and present any cuts that we possibly could  
 12 have made.  
 13 Q Now, that would have meant that you revisited  
 14 the issue and went back before the Board, say, on or  
 15 about the 12th, somewhere a week after the 5th?  
 16 A If we met at the normal Board meeting, which is  
 17 normally held the second Tuesday of each month, then  
 18 it would have been around the 12th to 15th, depending  
 19 on how that Tuesday fell.  
 20 Q So, it would have been around the 12th or the  
 21 15th?  
 22 A If we had the Board meeting at the normal time.  
 23 Q All right. But at any rate, it happened in the  
 24 month of April?  
 25 A The initial allocation presentation to the

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1 any criteria for determining who was in the group?  
 2 A No.  
 3 Q Did you make a decision as to who would be in  
 4 the group to help advise you?  
 5 A I did.  
 6 Q And did you have any criteria for determining  
 7 who went into that group?  
 8 A No. Other than --  
 9 Q "No" was your answer.  
 10 A No.  
 11 Q Now, who were the people who went into the  
 12 group?  
 13 A I had two people. One was the head of  
 14 Technology and one was an Assistant Superintendent --  
 15 or Director of Secondary Education.  
 16 Q Had they ever participated in any allocation  
 17 revision or development in previous years?  
 18 A Yes.  
 19 Q Had both of them done so?  
 20 A Yes.  
 21 Q Had anybody else participated in the allocation  
 22 process earlier that year before April 5th?  
 23 A Each department head. We were --  
 24 Q That's fine. Each department head. Any other  
 25 person by title?

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1 A They wouldn't have had information how they  
2 could cut their individual, or add to the allocation  
3 of --  
4 Q I'm just asking -- Paul, I'm asking you who  
5 else participated. I'm not asking --  
6 A Each department head.  
7 Q Each department head. Were there any black  
8 department heads?  
9 A Oh, I'm sure there were. I would have to think  
10 back.  
11 Q Who do you think the black department heads  
12 were?  
13 A I'm trying to think back to that period of  
14 time.  
15 Q That's just a year ago.  
16 A Yeah. Well, we had the department head of  
17 Security.  
18 Q Who else?  
19 A Doctor Warren, who was the Superintendent.  
20 Q Who else?  
21 A I'm trying to think of who all the department  
22 heads are. I don't recall the rest of them.  
23 Q Now, were you in regular association with Mr.  
24 Will Reed in Technology?  
25 A Yes.

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1 Q So, you saw him almost every day?  
2 A Practically. It certainly wouldn't be every  
3 day.  
4 Q And who was the Assistant Superintendent that  
5 you spoke with? Was that Doctor John Tackett?  
6 A He was Director of Secondary Education.  
7 Q Was he also the Assistant Superintendent?  
8 A He was Interim.  
9 Q Interim. Okay. You spoke with him almost  
10 every day, too?  
11 A About the same as, practically.  
12 Q I see. You were aware that the group that  
13 pulled together the -- what do you call it,  
14 allocation?  
15 A Allocation.  
16 Q Was bi-racial?  
17 A Sure, yes.  
18 Q Is there any particular reason it was one race  
19 when you did the revisions?  
20 A It was not one race.  
21 Q Who were the black people who participated in  
22 the revised allocation?  
23 A Now, are you talking about the one after the  
24 regular Board meeting?  
25 Q Yes, sir.

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1 A It would have been John Tackett and Will Reed.  
2 Q Well, my question is this. Since there were  
3 three people on the revised committee, you and two  
4 white people, all men, is there any reason that you  
5 did not have it inclusive?  
6 A Doctor Warren was not here. She would have  
7 been included.  
8 Q I understand Doctor Warren to have given  
9 testimony earlier in the hearing that she was  
10 available but was not consulted. Do you disagree  
11 with that?  
12 A She was not physically here.  
13 Q Well, that wasn't the issue. The question was,  
14 do you disagree with what she said, that she was  
15 available?  
16 A Possibly through some telephone.  
17 Q Well, do you disagree with it? Either you  
18 agree with her or disagree.  
19 A She was not present  
20 Q All right. And you said she was not available  
21 earlier. Now, did you seek to involve her, even  
22 though she was not in the facility at the time?  
23 A No.  
24 Q Did you seek to involve any other  
25 African-American, mindful of your district commitment

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1 that all of your committees would be bi-racial?  
2 A This was not a committee. It was me seeking  
3 information from them.  
4 Q Well, but you sought out what amounted to a  
5 committee to help you deal with the allocation; isn't  
6 that correct?  
7 A Yes.  
8 Q Let me see what a committee is. A committee is  
9 a group of people, right, which has a purpose? Did  
10 you ever meet with Tackett and Reed together?  
11 A No.  
12 Q Well, tell me, then, since you all never met  
13 together, how did you go about pulling the allocation  
14 together? And before you answer, let me ask you  
15 this. Did you just go from your office to Reed's  
16 office or call Reed into your office regarding the  
17 allocation?  
18 A I called Reed to my office.  
19 Q Did you go to Tackett's office or call Reed to  
20 your -- or call Tackett to your office?  
21 A I went to Tackett's office.  
22 Q You went to Tackett's office. So, you went to  
23 just three white -- two white people's offices?  
24 A That's correct.  
25 Q Now, there were black people who were in

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1 positions of management that you chose not to go to.  
 2 Is that fair to say?  
 3 A No.  
 4 Q I'm not saying you didn't do it because of  
 5 race. But you chose not to go to them?  
 6 A I chose to go to just those two people.  
 7 Q That's right. Now, does that mean that you  
 8 chose to go to those two people because you made a  
 9 preliminary determination that you wanted to have  
 10 people cut whom they supervised?  
 11 MR. KEES: Object to form.  
 12 BY MR. WALKER:  
 13 Q You may still answer. Did you make a judgment  
 14 -- did you go to those two people in part because you  
 15 had made the judgment that the cuttees, the people to  
 16 be cut, were coming from their departments?  
 17 A No.  
 18 Q How did you make the judgment as to which  
 19 departments from which would come the cuttees that  
 20 you would recommend?  
 21 A There would be several departments that we  
 22 would cut.  
 23 Q Well, we would. But it was just you -- the  
 24 "we" you refer to is you, Tackett, and Reed; right?  
 25 A I only asked them about the people they

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1 possibly -- that they supervised.  
 2 Q Who else is involved in the "we", when you say,  
 3 "We would cut"? Is that just you?  
 4 A Me and Doctor Warren.  
 5 Q You and Doctor Warren. Now, Doctor Warren has  
 6 testified that she didn't have anything to do with  
 7 it.  
 8 A Okay.  
 9 Q Do you disagree with her?  
 10 A No.  
 11 Q All right. So, it was just you; right?  
 12 A I informed her what I was doing when she got  
 13 back.  
 14 Q I understand. But in terms of the actual  
 15 decision-making, it was entirely on you; is that  
 16 correct?  
 17 A I would say "yes".  
 18 Q All right. And I want to be sure. You went to  
 19 Reed and Tackett, and you said that you involved  
 20 them. Why did you go to those two people if you had  
 21 not formed an opinion to cut staff within their  
 22 departments?  
 23 A Well, can I explain?  
 24 Q Yes, sir.  
 25 A Okay. One was that Mr. Reed was heading up our

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1 School of Innovation, which directly or indirectly  
 2 reflected Learning Services, and what was being  
 3 participated in, if any, and what could be cut either  
 4 from his department or -- because he had some of his  
 5 staff working on School of Innovation. Or if not,  
 6 explain to me, because I wasn't directly involved in  
 7 the School of Innovation, how we could better prepare  
 8 for the School of Innovation. I went to Doctor  
 9 Tackett -- well, I will wait and let you ask. That  
 10 was the extent of him.  
 11 Q What about Doctor Tackett?  
 12 A Doctor Tackett, I went to him because he was  
 13 directly over Learning Services at that time.  
 14 Q All right. So, that means that you made the  
 15 decision to focus upon Learning Services. Is that  
 16 fair to say?  
 17 A No.  
 18 Q Well, you went to -- you said -- let me  
 19 understand this. You said earlier that you went to  
 20 Reed because he was involved with Learning Services  
 21 via the School of Innovation.  
 22 A Correct.  
 23 Q And then, you went to Tackett because he was  
 24 directly over Learning Services. Did I misstate what  
 25 you said?

Page 20

1 A No.  
 2 Q So, that meant that you went and focused on  
 3 Learning Services. Is that not fair to say?  
 4 A With those two people.  
 5 Q With those two people. Now, is it fair to say  
 6 that you did not consult anybody else for cuts  
 7 outside those two departments, outside that one  
 8 general area, Learning Services?  
 9 A That I went to to consult with?  
 10 Q Yes.  
 11 A No.  
 12 Q That's fair to say?  
 13 A It's fair to say I did not.  
 14 Q Thank you. All right. Did you propose to cut  
 15 anybody who was outside of Learning Services?  
 16 A Yes.  
 17 Q Did you have any criteria for deciding which  
 18 jobs to cut? Did you have any criteria?  
 19 A The criteria I used --  
 20 Q No. Did you have any?  
 21 A No.  
 22 Q No. Okay. You had no criteria and you didn't  
 23 consult any person, is that fair to say, outside of  
 24 Learning Services?  
 25 A Security was outside of Learning Services.

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1 Maintenance was outside of Security -- outside of  
 2 Learning Services, Custodial was outside of Learning  
 3 Services.  
 4 Q All right.  
 5 A And Human Resources was outside of Learning  
 6 Services.  
 7 Q Anybody else?  
 8 A Student Services was outside of Learning  
 9 Services.  
 10 Q All right. That's fine. Did you consult the  
 11 heads of those departments before you made your cuts?  
 12 A I did.  
 13 Q Do you have any reason you didn't tell me that  
 14 earlier?  
 15 A I don't understand what you are asking.  
 16 Q You had told me before that you only consulted  
 17 two persons for the purpose of making cuts. Do you  
 18 want to revise that?  
 19 A I do.  
 20 Q All right.  
 21 A You said "in Learning Services".  
 22 Q Pardon?  
 23 A You talked about in Learning Services.  
 24 Q No. You gave me two names. You gave me Reed  
 25 and Tackett.

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1 A Dealing with Learning Services.  
 2 Q No. I had asked you for anybody else on this  
 3 imaginary committee that you referred to for purposes  
 4 of advising about cuts. Who else was on your  
 5 advisory committee?  
 6 A We never had a committee.  
 7 Q Who was on your mental advisory committee in  
 8 terms of discussing cuts? What other persons?  
 9 A Security.  
 10 Q Who was the head of -- who was the person with  
 11 whom you consulted?  
 12 A What was his name? He's gone now.  
 13 Q You don't remember his name. We will just say  
 14 no name. And then, who within --  
 15 A Maintenance.  
 16 Q Who within Maintenance did you consult?  
 17 A Glen Shook.  
 18 Q And then, who within Custodial did you consult?  
 19 A Tommy Farmer.  
 20 Q And with Human Resources, whom did you consult?  
 21 A Shawn Burgess and myself.  
 22 Q And who within Student Services?  
 23 A Doctor Warren.  
 24 Q Now, did Doctor Warren give you any input into  
 25 anybody in Student Services whom she would recommend

Page 23

1 to be cut?  
 2 A No.  
 3 Q Did Ms. Burgess give you any input into anybody  
 4 in Human Resources that should be cut?  
 5 A Yes.  
 6 Q Did Ms. Farmer give you any input?  
 7 A No.  
 8 Q Did Mr. Shook give you any input?  
 9 A No.  
 10 Q When you asked these people for input, did you  
 11 give them a list of criteria to be applied in being  
 12 fair and nondiscriminatory in the process?  
 13 A No.  
 14 Q Do you agree that the district policies in  
 15 writing required that all of your personnel actions  
 16 be nondiscriminatory, expressly?  
 17 A Sure.  
 18 Q Did you give them any instructions in writing  
 19 as to what you expected their process to be in making  
 20 recommendations?  
 21 A No. Can I clarify?  
 22 Q Not yet.  
 23 THE WITNESS: What did he say?  
 24 MR. KEES: Not yet.  
 25 BY MR. WALKER:

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1 Q Not yet. Now, when you asked Doctor Warren  
 2 regarding persons to be cut, do you recall what she  
 3 told you?  
 4 A Not word for word.  
 5 Q Well, tell me the best of your recollection  
 6 what she told you.  
 7 A That she was acting as Superintendent and Mr.  
 8 Whitfield was acting in her stead, and they were  
 9 shorthanded as it was.  
 10 Q What did Ms. Burgess tell you?  
 11 A She felt like we could cut the secretary  
 12 position that was open and one of the personnel  
 13 director positions was open.  
 14 Q Was that personnel position filled?  
 15 A It was this year.  
 16 Q No. Was it filled at the time?  
 17 A No.  
 18 Q Was the secretary's position filled at that  
 19 time?  
 20 A No.  
 21 Q What did Mr. Foreman tell you?  
 22 A Mr. Foreman?  
 23 Q Ms. Foreman or Mr. Foreman? You said --  
 24 A Oh, Farmer, Tommy.  
 25 Q Farmer. All right.

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1 A No, he didn't. He didn't have any suggestions  
 2 for cuts.  
 3 Q What about Mr. Shook?  
 4 A He did not.  
 5 Q So, it's fair to say that nobody had any  
 6 suggestions for current employee actual reductions?  
 7 A They had already done that.  
 8 Q All right. Now, you are aware that I have  
 9 spoken with Doctor Tackett?  
 10 A I'm not aware that you talked to him.  
 11 Q Did you participate in the hearing in this  
 12 process for these teachers?  
 13 A Yes.  
 14 Q Did Doctor Tackett come to that hearing?  
 15 A I don't recall.  
 16 Q You are aware that he was requested to come?  
 17 A I will say "yes".  
 18 Q And you were aware that he refused to come? In  
 19 fact, right after you announced the cuts in the  
 20 allocation, he resigned. Is that fair to say?  
 21 A I would say "no".  
 22 Q Did he resign or did he retire?  
 23 A I don't know. But I know he was working.  
 24 Q All you know is that he left employment soon  
 25 thereafter?

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1 with persons for reduction were Tackett and Reed?  
 2 A For Learning Services.  
 3 Q And who did Reed come up with?  
 4 A He didn't come up with any particular  
 5 individuals. He said he felt like -- do you want me  
 6 to ad lib or do you want me to just stick to a "yes"  
 7 or "no" answer?  
 8 Q First of all, did he come up with anyone?  
 9 A No.  
 10 Q All right. So, nobody from Reed's department  
 11 was actually cut?  
 12 A No.  
 13 Q So, that meant that you only had someone from  
 14 Doctor Tackett's?  
 15 A In Learning Services -- I mean, and Human  
 16 Resources.  
 17 Q Well, nobody from --  
 18 A And Security.  
 19 Q Well, just a moment. In Human Resources,  
 20 nobody lost a job, because you only cut out positions  
 21 that were unfilled?  
 22 A Well, right.  
 23 Q All right. Now, in terms of Learning Services,  
 24 did Doctor Tackett recommend the termination of Ms.  
 25 Pride, Ms. Beasley, and Ms. Townsend? That's "yes"

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1 A I don't know if he retired or if he just  
 2 resigned.  
 3 Q Well, you know retirement is a process that  
 4 takes a little time.  
 5 A Right.  
 6 Q Resignation doesn't take as much time; is that  
 7 right?  
 8 A You can resign today.  
 9 Q I understand. But he resigned in the middle of  
 10 the year, near the end of the year, didn't he?  
 11 A I don't recall the date.  
 12 Q But he didn't --  
 13 A He did not finish his contract.  
 14 Q That's right. Do you have any notes from  
 15 Doctor Tackett regarding his participation or refusal  
 16 to participate in this process that you developed?  
 17 A No.  
 18 Q Mr. Reed has since resigned; is that right?  
 19 A Yes.  
 20 Q So, in a sense, you are the last man standing  
 21 of that triumvirate?  
 22 A I'm used to that.  
 23 Q All right. And that is the truth, isn't it?  
 24 A Yes.  
 25 Q All right. So, the only people you say came up

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1 or "no".  
 2 A I would say "yes".  
 3 Q You would say "yes". Is there a document that  
 4 reflects that?  
 5 A No.  
 6 Q If he says that he did not do that, what would  
 7 be your response?  
 8 A I don't know if I would have a response.  
 9 Q All right.  
 10 A I mean, he --  
 11 Q Now, did you confirm with him in writing that  
 12 those were his recommendations before he left?  
 13 A No.  
 14 Q Can you explain why he refused to come and  
 15 testify at their nonrenewal hearings?  
 16 A No.  
 17 Q Were these three people performing their jobs  
 18 satisfactorily?  
 19 A Which three people?  
 20 Q The ones I asked you about, Ms. Pride, Ms.  
 21 Beasley, and Ms. Townsend?  
 22 A Yes.  
 23 Q Now, who is Mr. Beckham?  
 24 A Beckham?  
 25 MS. BEASLEY: Ms. Beckham.

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1 BY MR. WALKER:  
 2 Q Ms. Beckham, Ms. Beckham.  
 3 A Okay.  
 4 Q Was she in Learning Services?  
 5 A What was her first name?  
 6 MS. BEASLEY: Brandi.  
 7 BY MR. WALKER:  
 8 Q Brandi?  
 9 A Yes. I knew her by Brandi. I will apologize.  
 10 Q I see. Now, did you consult Ms. Goodwin in  
 11 terms of your allocation?  
 12 A No.  
 13 Q Was she included in your allocation?  
 14 A Her position was eliminated.  
 15 Q Was her -- was she included in your allocation  
 16 to be eliminated when you made your presentation to  
 17 the Board?  
 18 A Are you talking about the Board meeting in  
 19 April or the Board meeting after?  
 20 Q Either meeting, either meeting.  
 21 A No.  
 22 Q All right. The truth of the matter is that  
 23 Ms. Goodwin gave her resignation after the  
 24 allocation? She was scheduled to retire?  
 25 A Yes.

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1 Q All right. So, she wasn't in your allocation?  
 2 A No.  
 3 Q Was Ms. Ray in your allocation?  
 4 A She was cut.  
 5 Q So, she was in your allocation?  
 6 A Her position was eliminated.  
 7 Q So, she and Ms. Beckham were, along with these  
 8 three people, in the cut positions; is that correct?  
 9 A That's correct.  
 10 Q Was Mr. Tackett included in your allocation as  
 11 a cut?  
 12 A Yes.  
 13 Q But he was -- you told him you were cutting  
 14 him?  
 15 A He resigned, and I decided not to replace him.  
 16 Q Well, that wasn't for you to decide, was it?  
 17 A It was.  
 18 Q All right. Did he resign before you made the  
 19 allocation to the Board?  
 20 A Yes.  
 21 Q Are you sure of that?  
 22 A Well, he was on the list when I presented it to  
 23 the Board to be eliminated.  
 24 Q Well, that's not an allocation. That was not a  
 25 position that was cut. He had already resigned, so

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1 he was just not presented as a person to be cut, was  
 2 he?  
 3 A His position was cut.  
 4 Q Have you replaced his position?  
 5 A No.  
 6 Q What was his position?  
 7 A Director of Secondary Education. He was an  
 8 Interim Assistant Superintendent.  
 9 Q Well, who is performing his tasks now?  
 10 A Doctor McNulty.  
 11 Q I see. Of the people who are not wanting to  
 12 return -- of the people who were returning -- or  
 13 wanting to return, is it fair to say that the only  
 14 people that you recommended to be allocated, or cut,  
 15 were Beckham, Beasley, Pride, Ray, and Townsend?  
 16 A No.  
 17 Q Who else did you recommend?  
 18 A Danny Ebbs.  
 19 Q I said "to be terminated".  
 20 A Oh. You are talking about RIFed?  
 21 Q Yes, sir.  
 22 A There was people in Security. You are talking  
 23 about in Learning Services, or do you want everybody?  
 24 Q Well, anybody?  
 25 A Because I've got my list out there.

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1 MR. WALKER: Do we have the whole list  
 2 -- his list of RIFs?  
 3 MS. SPRINGER: Yes, we've got the RIFs.  
 4 BY MR. WALKER:  
 5 Q Now, let's go to Mr. Ebbs and Ms. Shirley. Is  
 6 it coincidental that you came up with the \$10,000.00  
 7 reduction for both of them, for Shirley and Ebbs?  
 8 A What was your question?  
 9 Q Is it just coincidental that the amounts of  
 10 their reductions were \$10,000.00?  
 11 A Well, it was positions that we felt like we  
 12 could cut, you know. We had lost Jacksonville.  
 13 Q No, no. Is it just coincidental that there  
 14 were two people that you reduced in pay, both had the  
 15 same amount of salary reduction?  
 16 A Other than myself. I took the largest cut.  
 17 Q I'm saying -- leave you out of it.  
 18 A Leave me out of it. I eliminated my position.  
 19 Q Leave you out of it because you weren't cut.  
 20 A My position was cut.  
 21 Q You still kept your position?  
 22 A No.  
 23 Q You were in the same position come July 1.  
 24 A No.  
 25 Q What position were you in July 1?



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1 A Interim Assistant Superintendent.  
 2 Q Well, what position were you in in April of  
 3 2000 --  
 4 A Chief Executive Officer.  
 5 Q So, you were CEO?  
 6 A That's correct.  
 7 Q Were you getting extra pay for CEO?  
 8 A I was. It was on the salary schedule.  
 9 Q But was your pay reduced?  
 10 A \$20,000.00.  
 11 Q That's not on any document.  
 12 A It is on the ones I have.  
 13 Q On the ones you have. All right. So, you cut  
 14 your pay by \$20,000.00?  
 15 A That's correct.  
 16 Q To \$169,000.00?  
 17 A Well, that included benefits. \$20,000.00  
 18 probably was more like 30-something thousand, if you  
 19 count benefits.  
 20 Q I see. All right. So, let's leave you out of  
 21 it. The two other people that you were doing the  
 22 cutting of in terms of reducing pay was Shirley and  
 23 Ebbs, and their amounts were the same. Now, let me  
 24 go straight to them. It was your position -- when  
 25 you left CEO, did you take on a new job?

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1 A I did.  
 2 Q Did you apply for it?  
 3 A No.  
 4 Q Now, in order for these people to have gotten  
 5 new jobs with the district, were they required --  
 6 when I say "these people", Beasley, Pride, and  
 7 Townsend, did they have to reapply?  
 8 A Yes.  
 9 Q Why did they have to reapply and you didn't?  
 10 A Because I was asked to stay on as Interim.  
 11 Q So, somebody asked you to stay on?  
 12 A Yes.  
 13 Q But your position wasn't even posted, either,  
 14 was it?  
 15 A No.  
 16 Q When were you asked to stay on?  
 17 A Right after I resigned.  
 18 Q When was that?  
 19 A Probably, I'm just guessing, late April, early  
 20 May.  
 21 Q I see. And who asked you to stay on?  
 22 A At that time, I don't think anybody had.  
 23 Q But you were asked to stay on. So, who asked  
 24 you?  
 25 A No, I didn't ask to stay on.

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1 Q You said you were asked to stay on. Who asked  
 2 you to stay on? Who requested that you stay on?  
 3 A It wasn't Doctor Warren. I want to say it was  
 4 maybe Doctor McNulty asked me if I would be  
 5 interested in staying on. He didn't say he was  
 6 asking me to stay on.  
 7 Q So, somebody before July 1 had asked you to  
 8 stay on?  
 9 A They had asked me if I would be interested in  
 10 staying on.  
 11 Q No. Did anyone ask you --  
 12 A Nobody offered me the job.  
 13 Q I see. But you continued to work after July 1  
 14 without anybody asking you; isn't that correct?  
 15 A No. I was not hired back until the July Board  
 16 meeting.  
 17 Q Well, somebody had to ask you --  
 18 A So, I was off. In fact, I missed a paycheck.  
 19 Q You missed the July paycheck?  
 20 A Yes.  
 21 Q I thought you were hired back in the July  
 22 meeting.  
 23 A Second week of July, when the regular Board  
 24 meeting was.  
 25 Q Did you miss the whole month?

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1 A No. I missed the first paycheck. I got 25 pay  
 2 instead of 26.  
 3 Q You missed half a paycheck?  
 4 A No. I missed --  
 5 Q We call it a whole paycheck. But you missed --A I  
 6 missed two weeks pay.  
 7 Q All right. I'm going to give you what we  
 8 called the allocations, here. I ask if you can --  
 9 MR. WALKER: This would be Exhibit One  
 10 to your testimony.  
 11 (WHEREUPON, Exhibit Number One was  
 12 marked for identification.)  
 13 BY MR. WALKER:  
 14 Q Can you identify that document?  
 15 A Certified Allocations, 2018-'19.  
 16 Q Did you develop this document?  
 17 A Me, along with each department head.  
 18 Q With each department head?  
 19 A Yes.  
 20 Q Well, you previously testified --  
 21 A Is this -- I've got to make sure I know what  
 22 I'm looking at here. Is this the one after the  
 23 regular School Board meeting when we were --  
 24 Q This one is dated -- this one is dated 4-19,  
 25 2018. According to your testimony, it would have

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1 been after the 12th. So, this seems to be that.  
 2 A (Witness reviews document.)  
 3 Q Can you identify that document?  
 4 A Well, the dates are April 2nd.  
 5 Q Well, the document on the outside says --  
 6 A The outside says the 19th.  
 7 Q Yes.  
 8 A But these were put together on April 2nd.  
 9 Q All right. Well, let's go down them. That  
 10 would have been before the April Board meeting on the  
 11 5th, wouldn't it?  
 12 A Yes.  
 13 Q Do you have any document that you created that  
 14 says something other than April 2nd?  
 15 A Well, this is the only document I have.  
 16 Q Which means, then, that if you presented this  
 17 on April 2nd -- this was done on April 2nd, it was  
 18 presented to the Board, and it was never revised;  
 19 isn't that fair to say? If it was revised, there  
 20 would have been another document; right?  
 21 A This document?  
 22 Q Yes, sir.  
 23 A (Witness reviews document.) Ask your question  
 24 again. I'm not sure.  
 25 Q Is there another allocation that you prepared?

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1 A Not in this form.  
 2 Q All right. That's fine. Now, did you prepare  
 3 an allocation in a different form which you presented  
 4 to the Board after April 5th, 2019?  
 5 A Well, I revised one after the regular Board  
 6 meeting.  
 7 Q You did? Where is it?  
 8 A It's not in this format. It was a presentation  
 9 of the cuts that we were recommending.  
 10 Q So, you didn't have allocations again  
 11 presented, it was just a single sheet of paper?  
 12 A It was certified and classified.  
 13 Q Certified and classified. You said one single  
 14 piece of paper?  
 15 A Yes.  
 16 MR. WALKER: Do you have that?  
 17 MS. SPRINGER: No.  
 18 MR. WALKER: We would like to ask for  
 19 it. We would like to have that single piece  
 20 of paper. We have asked for it in the  
 21 hearings that they had and we didn't get it.  
 22 All right.  
 23 BY MR. WALKER:  
 24 Q Can you describe the document that you said  
 25 that you presented to the Board, other than what has

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1 been marked to your testimony as Exhibit One?  
 2 A Explain what it was?  
 3 Q Describe it so we will know.  
 4 A Okay. It was a listing of all the positions,  
 5 which ones would be cut, and how much the savings  
 6 would be.  
 7 Q And it was not in the form that Exhibit One  
 8 manifests to represent?  
 9 A No.  
 10 Q All right.  
 11 MR. WALKER: Since we are here in the  
 12 office, would you recess -- can we recess  
 13 and have him get that document?  
 14 MR. KEES: Is it a power point?  
 15 THE WITNESS: I think so. It just  
 16 showed a list of all the positions and the  
 17 savings.  
 18 MR. KEES: Do you still have that,  
 19 something you can pull up and print?  
 20 THE WITNESS: I've got a hard copy on  
 21 my desk.  
 22 MR. KEES: Okay.  
 23 MR. WALKER: We would appreciate it.  
 24 MR. KEES: Can you make a copy?  
 25 THE WITNESS: Do you want to make a

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1 copy?  
 2 MR. KEES: Yes. Have Susan make like  
 3 two or three.  
 4 THE WITNESS: Okay.  
 5 (WHEREUPON, the witness left the  
 6 deposition room.)  
 7 (WHEREUPON, a break was taken.)  
 8 (WHEREUPON, Exhibit Number Two was  
 9 marked for identification.)  
 10 BY MR. WALKER:  
 11 Q Would you describe what you've given to me that  
 12 we have now marked as Exhibit Two?  
 13 A Okay. What you have before you is a copy of  
 14 the positions that were recommended to the Board at  
 15 the special Board meeting for cuts to positions. And  
 16 if you will look to the right, the line indicates  
 17 what the salary was, and to the right of it, if you  
 18 add the benefits, it's the total savings. And if  
 19 it's in red, it's a savings, if it's in black, it is  
 20 an add-back to cost.  
 21 Q All right. Let me go over this with you.  
 22 A All right.  
 23 Q Page one is?  
 24 A Page one is classified, is what I told you.  
 25 Q All right.

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1 A And certified is page two.  
 2 Q All right. Let me go over this with you.  
 3 A All righty.  
 4 Q With respect to the secretary to Director of  
 5 Human Resources, that had never been filled; is that  
 6 correct?  
 7 A It had been a position filled that someone had  
 8 resigned from or retired from, and we didn't fill it  
 9 back.  
 10 Q Fine. All right. The person who was secretary  
 11 to the Director of HR got a pay increase; right?  
 12 A What that person was, we eliminated the top  
 13 position, the secretary --  
 14 Q No, no, no. Let me just stay here with what  
 15 you have here. I'm just asking what the document  
 16 shows.  
 17 A Well, if I can't explain it, then you're not  
 18 going to --  
 19 Q You will get a chance to do that. I'm just  
 20 looking at what the document says. Whoever the  
 21 Personnel Specialist was had an increase of pay, for  
 22 whatever reason, of \$12,000.00. Then, under Pupil  
 23 Accounting, was somebody actually eliminated from  
 24 that position?  
 25 A Yes.

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1 A And look at the top of the page.  
 2 Q But that says "Benefits"; right?  
 3 A That's right.  
 4 Q So, it's the same amount. Okay. That's fine.  
 5 Now, the --  
 6 A Dyslexia.  
 7 Q -- Dyslexia, was anybody in that position?  
 8 A No.  
 9 Q Was anybody in the Executive Director of  
 10 Operations position?  
 11 A Yes.  
 12 Q Who was that?  
 13 A Derek Scott.  
 14 Q You didn't have Derek Scott on your cut list,  
 15 did you?  
 16 A We cut the position, not the name.  
 17 Q But Derek had already resigned, hadn't he?  
 18 A Yes. I guess. I don't remember the date.  
 19 Q And then, Director of Safety, was that position  
 20 actually --  
 21 A That position was cut.  
 22 Q Was there a person in the position at the time?  
 23 A There was.  
 24 Q That position was cut?  
 25 A Yes.

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1 Q Who was that?  
 2 A I don't have a name.  
 3 Q Well, there has to be a name.  
 4 A Well, it's positions.  
 5 Q Well, you don't know who that was?  
 6 A There was nobody in that position.  
 7 Q There was nobody in the position at the time?  
 8 A Yes. So, we eliminate positions, not people.  
 9 Q All right. But there was nobody in the  
 10 position at the time?  
 11 A Right.  
 12 Q Secondary auxiliary bookkeeper, was anybody in  
 13 that position?  
 14 A No.  
 15 Q Accounting specialist, was anybody in that  
 16 position?  
 17 A No.  
 18 Q Auxiliary bookkeeper, was there somebody in  
 19 that position?  
 20 A That was an add-back.  
 21 Q But somebody was in the position and then that  
 22 person got a pay increase; right?  
 23 A No.  
 24 Q Well, on the left column is \$8,208.00, the  
 25 right column is \$10,834.00.

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1 Q Was that a black person?  
 2 A It was.  
 3 Q Coordinator of Safety and Security?  
 4 A Was an add-back.  
 5 Q So, was somebody in that position -- or were  
 6 somebodies in those positions?  
 7 A Yes.  
 8 Q So, you had two people there?  
 9 A Yes.  
 10 Q So, they go from \$138,000.00 to \$182,000.00?  
 11 A No. That was including benefits.  
 12 Q I understand. But according to the way you  
 13 presented, I'm dealing with --  
 14 A They didn't go to that. That was including  
 15 benefits. Their salary is \$138,000.00. That's for  
 16 two people.  
 17 Q All right. So, they weren't cut, were they?  
 18 A Yes.  
 19 Q What was their race?  
 20 A The Coordinator of Safety and Security?  
 21 Q Yes.  
 22 A \$138,104.00 divided by two.  
 23 Q No, no. My question is, what is their race?  
 24 A Black.  
 25 Q All right. And Facilitator of Safety and

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1 Security?  
 2 A Was an add-back.  
 3 Q Well, that's --  
 4 A Those are positions that were created to be  
 5 cost savings.  
 6 Q Now, the last number is the summary of the  
 7 total?  
 8 A Of the total. That's the total.  
 9 Q Right. So, this document, for support staff  
 10 allocations, the only people who were actually  
 11 working who were cut were two black people; is that  
 12 right?  
 13 A I'm not sure about the accounting specialist.  
 14 Q Well, the ones that you know about, the ones  
 15 you have identified, you have two black people.  
 16 A Actually, no. The secretary to the Director of  
 17 Human Resources was white.  
 18 Q But she wasn't cut. It was a position that had  
 19 not been filled.  
 20 A The position was cut.  
 21 Q No, we're not talking -- we're talking about --  
 22 listen to my question, Mr. Brewer. Where you had  
 23 actual people to be cut. Of the actual people to be  
 24 cut, the only cuttees were black; is that correct?  
 25 A Yes.

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1 Q All right. That's on page one.  
 2 A Total savings of \$446,000.00.  
 3 Q Well, it's no savings if you were not spending  
 4 the money, was it?  
 5 A Yes.  
 6 Q Let me ask you this.  
 7 A Those positions were allocated on the first  
 8 one.  
 9 Q The allocation is one thing. But if you don't  
 10 fill the position, it's no money saved, is it, or no  
 11 money lost? I mean, it's neutral.  
 12 A No. If you had the position allocated and you  
 13 don't hire, it's a savings.  
 14 Q Well, you are not required to hire and fill  
 15 every position allocated, are you?  
 16 A No.  
 17 Q No. So, you are just cutting out items that  
 18 were in the previous budget?  
 19 A Positions.  
 20 Q Positions. Yes. And the impact among your  
 21 classified staff, support staff, was black. Let's go  
 22 to your front page, number one.  
 23 A Second page.  
 24 Q Second page. Okay. All right. You're number  
 25 one, Chief Executive Officer.

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1 A My salary was \$128,000.00.  
 2 Q Yes. But with benefits to \$169,000.00?  
 3 A That's correct.  
 4 Q Now, that was not a real loss, was it?  
 5 A Some people wouldn't think so.  
 6 Q Because you came back in as assistant -- you  
 7 put yourself back in.  
 8 A I didn't put myself anywhere.  
 9 Q Well, on this document --  
 10 A The Assistant Superintendent for Human  
 11 Resources' salary was cut back, it was cut back to  
 12 \$123,064.00.  
 13 Q Mr. Brewer, stay with me. You were the CEO;  
 14 right?  
 15 A That's correct.  
 16 Q And that position was cut out?  
 17 A That's right.  
 18 Q Were you also the Assistant Superintendent for  
 19 Human Resources?  
 20 A No.  
 21 Q Who was?  
 22 A No one.  
 23 Q Okay. So, what happened to you was, you left  
 24 one title and took another. And instead of  
 25 \$20,000.00 loss of pay, it was \$10,000.00, or

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1 \$11,390.00?  
 2 A No.  
 3 Q Well, here is where we are. Look at it, Mr.  
 4 Brewer.  
 5 A That is if you had the maximum amount of -- I  
 6 was brought in at the maximum --  
 7 Q Mr. Brewer, Mr. Brewer, let's look at the  
 8 document. We are talking about savings now.  
 9 According to this, the difference in the pay without  
 10 benefits, instead of it being \$20,000.00 to  
 11 \$30,000.00 is \$8,000.00 -- \$8,033.85. That's the  
 12 difference in pay between your first job and the  
 13 second one; right?  
 14 A No.  
 15 Q Now, did you present this -- did you present  
 16 this as an allocation to the district?  
 17 A To the School Board.  
 18 Q Yes. So, you put yourself in?  
 19 A I didn't put myself in. That position was put  
 20 in.  
 21 Q Okay. You put the position in and then you  
 22 filled it. That's the same thing, isn't it?  
 23 A No.  
 24 Q Or somebody else designated you? That's fine,  
 25 MR. KEES: No, he didn't come in at

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1 that pay, John.  
 2 MR. WALKER: Do what?  
 3 MR. KEES: You are manipulating the  
 4 answer.  
 5 MR. WALKER: Well, here is the point.  
 6 He said that he reduced his pay on one of  
 7 these documents by a hundred and --  
 8 MR. KEES: He didn't come in at the  
 9 full pay. You are not letting him explain.  
 10 MR. WALKER: I understand that. But  
 11 I'm just talking about -- we are talking  
 12 about what is proposed to be cut. And what  
 13 is proposed to be cut is the maximum of the  
 14 range.  
 15 BY MR. WALKER:  
 16 Q And the maximum of the range is what is here;  
 17 is that right, Paul?  
 18 A No.  
 19 Q All right. Let's just deal with the document  
 20 you presented to the Board. And you are telling them  
 21 what the savings are.  
 22 A The savings was actually more because I made  
 23 \$20,000.00 less.  
 24 Q Well, just a moment. Paul, on this document  
 25 there is a summary. On the bottom you have in red

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1 for all the certified staff, \$599,218.00. And with  
 2 benefits, it's \$788,245.00?  
 3 A That's correct.  
 4 Q So, you told them that they were being able to  
 5 cut the budget by \$788,000.00 following this  
 6 approach; right?  
 7 A Yes.  
 8 Q And then, you put these both of these together,  
 9 \$788,000.00 and \$446,000.00, and you come up with a  
 10 million two; right?  
 11 A That's about approximately right.  
 12 Q All right. Now, let's go on. The Director of  
 13 Secondary Education had resigned, the Director of  
 14 Elementary Education had resigned, the Deputy  
 15 Superintendent for Learning Services was retained.  
 16 And who was that, Will Reed?  
 17 A No. That was added back with Ms. Smith this  
 18 year.  
 19 Q Well, no, I'm not talking about this year.  
 20 That year?  
 21 A Well, it was allocated.  
 22 Q It was allocated?  
 23 A So that we were going to hire it back.  
 24 Q You were going to hire it back. Did you hire  
 25 it back last year?

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1 A We did.  
 2 Q All right. Who was the person who vacated that  
 3 position?  
 4 A We cut the Deputy Superintendent's position.  
 5 There was not one. The last one was June Elliott.  
 6 Q All right. So, basically, this was not a new  
 7 position as of April 18?  
 8 A It was a new position. It was not allocated  
 9 the two years before.  
 10 Q All right. But at the time of the cuts, you  
 11 didn't have anybody in it?  
 12 A No. The job didn't exist.  
 13 Q It didn't exist. Okay. So, you can't cut  
 14 which doesn't exist; right?  
 15 A We are not cutting it, we are adding it back.  
 16 Q All right. Now, Director of Talented and  
 17 Gifted, you cut that back by \$15,000.00. In order to  
 18 do that, you've got to have a white person, I  
 19 imagine. That's Ms. Shirley; right? So, then, you  
 20 also have right under Ms. Shirley, Director of  
 21 Athletics. Now, you are mindful of how to balance  
 22 this stuff, Paul, one black, one white. So, you have  
 23 Ms. Shirley at ten or 15, and then you go and get,  
 24 Paul, Mr. Ebbs, right, Danny Ebbs?  
 25 A I didn't look at names or personalities, I

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1 looked at positions.  
 2 Q Well, you knew who these people were, Paul.  
 3 A Well, sure. I knew who all these people were.  
 4 Q You sure did. So, Danny Ebbs, you cut his days  
 5 back to the same number of days as Ms. Shirley, and  
 6 he got a reduction of \$17,000.00, or \$14,000.00,  
 7 however you look at it. He is white. And then,  
 8 Coordinator of ELL. Was anybody in that position?  
 9 A Yes.  
 10 Q Who was that?  
 11 A What was her name? She about wore me out down  
 12 there.  
 13 MS. PRIDE: Coordinator of ELL? Reva  
 14 Viswanathan.  
 15 THE WITNESS: Reva, Reva. Good luck  
 16 with spelling her last name.  
 17 MS. PRIDE: Viswanathan.  
 18 MS. SHIRLEY: Reva Viswanathan. She  
 19 was white.  
 20 MR. WALKER: She was white. She was  
 21 white, and she had also been a big-time  
 22 complainant in the district, hadn't she,  
 23 with grievances?  
 24 MR. KEES: I think we can agree with  
 25 that.

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1 MR. WALKER: She was a grievant. Okay.  
 2 She had several grievances.  
 3 MR. KEES: Her name popped up from time  
 4 to time.  
 5 BY MR. WALKER:  
 6 Q So, what you did -- and this time -- the next  
 7 thing is the Program Administrators, three white --  
 8 three black, two white. So, on the front page, it's  
 9 two blacks, and on the second page, it's three whites  
 10 and three blacks in a context where more than 50  
 11 percent of your staff is white; right?  
 12 A Not in administration.  
 13 Q Overall. We are talking about overall?  
 14 A Overall?  
 15 Q Yes.  
 16 A Well, no. You just said "administration". I  
 17 think you have to look at it different than your  
 18 teaching staff. You should.  
 19 Q Well, I don't know why you should. Paul, do  
 20 you have a degree in Human Resources?  
 21 A No.  
 22 Q All right. What is your degree in?  
 23 A School administration.  
 24 Q Do you have any training in courses in Human  
 25 Resources?

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1 A Yes.  
 2 Q When?  
 3 A Throughout my Masters degree.  
 4 Q You don't have anything especially with that.  
 5 Your Masters degree was 30 years ago, wasn't it?  
 6 A Or more.  
 7 Q They didn't have Human Resources 30 years ago,  
 8 did they?  
 9 A Yeah. A lot of my courses were Human Resources  
 10 after my last --  
 11 Q Paul, are you saying that there was a Human  
 12 Resources degree?  
 13 A I took 60 hours after my Masters degree.  
 14 Q You have a specialist degree?  
 15 A I have equivalent of a specialist. I never  
 16 took the test.  
 17 Q Well, specialist is different. In order to be  
 18 a specialist, you've got to have the certification.  
 19 You were not certified as a specialist, were you?  
 20 A No.  
 21 Q All right.  
 22 MR. KEES: Are you trying to disqualify  
 23 him as an expert in this area, after 48  
 24 years of experience?  
 25 MR. WALKER: No. I have already said

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1 that he wasn't doing the work. I've told  
 2 him to his face that he wasn't doing  
 3 anything.  
 4 MR. KEES: So, no amount of classroom  
 5 time is going to make up for 48 years of  
 6 experience in education.  
 7 MR. WALKER: No, no. It depends on  
 8 what you are doing.  
 9 MR. KEES: And that's all in  
 10 administration, John. So, you are just not  
 11 being fair with your questioning. I'm  
 12 letting a lot of latitude, here.  
 13 MR. WALKER: Well, just a moment. I  
 14 agree with you that I may not be. But  
 15 lawyers are not supposed to be fair in --  
 16 MR. KEES: I know. But I just want you  
 17 to recognize, that's all administration.  
 18 MR. WALKER: Lawyers are like  
 19 policemen.  
 20 MR. KEES: But I give you a lot of  
 21 leeway. I don't want to interrupt your  
 22 questioning.  
 23 MR. WALKER: Well, thank you. I  
 24 appreciate that.  
 25 MR. KEES: But at some point we have to

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1 make sure we are on the same page, with  
 2 honest and good faith and fair dealing.  
 3 BY MR. WALKER:  
 4 Q Now, this is what you presented to the Board.  
 5 And let me understand this. Of the people in black  
 6 who were actually eliminated -- well, nobody in black  
 7 was eliminated except Ms. Shirley, and she wasn't  
 8 eliminated, she was reduced, and Mr. Ebbs. So, Paul,  
 9 except for the people who were resigning or retiring  
 10 anyway, can you tell me what the effect of the budget  
 11 cuts was?  
 12 A \$788,000.00.  
 13 Q Well, here is my point. You knew that Tackett  
 14 and Ms. Goodwin -- you knew that Tackett, Goodwin,  
 15 and yourself were supposed to be leaving, right,  
 16 supposed to be?  
 17 A Along with the ELL.  
 18 Q And who was that person?  
 19 A Reva.  
 20 Q Reva. What is her last name?  
 21 A I can't say her last name. I sure can't spell  
 22 it.  
 23 Q Let's just deal with you three. You three,  
 24 that's more than \$500,000.00. But only you didn't  
 25 leave. You took another job that was planned by you,

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1 and you are not Interim -- the position you have is  
 2 not Interim, is it?  
 3 A Yes.  
 4 Q It's Interim --  
 5 A Assistant Superintendent.  
 6 Q -- Assistant Superintendent. But it's not  
 7 listed here as Interim Assistant Superintendent?  
 8 A These are positions that were put back.  
 9 Q There is no position that is Interim Assistant  
 10 Superintendent of Human Resources, is there?  
 11 A If you assign somebody to that position, they  
 12 are Interim.  
 13 Q Paul, my point is that there is no position  
 14 listed as Interim; right?  
 15 A No, not unless someone is hired that is not  
 16 interviewed.  
 17 Q And you were not Interim Chief Executive  
 18 Officer, were you?  
 19 A No.  
 20 Q They had you as Chief Executive Officer. But  
 21 you never applied for that job, did you?  
 22 A I didn't want it.  
 23 Q But you had it, and you never applied for it?  
 24 A No.  
 25 MR. KEES: He is talking about when you

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1 first got the position?  
 2 THE WITNESS: No.  
 3 MR. KEES: Years ago.  
 4 THE WITNESS: I was interviewed by  
 5 Doctor --  
 6 BY MR. WALKER:  
 7 Q Yes. But you didn't apply for it. You were a  
 8 friend of the guy who was there who happened to be a  
 9 black guy?  
 10 MR. KEES: Hobson?  
 11 THE WITNESS: Hobson. I didn't know  
 12 him before I met him up here and he offered  
 13 me the job.  
 14 BY MR. WALKER:  
 15 Q All right. Well, he met you and offered you  
 16 the job, so you didn't apply. All right. Now, did  
 17 you ever see --  
 18 MR. KEES: Haven't we done enough  
 19 trying to make you look stupid yet?  
 20 THE WITNESS: It doesn't take much to  
 21 make me look stupid.  
 22 MR. WALKER: Now, Paul -- we agree.  
 23 BY MR. WALKER:  
 24 Q Now, look, you understood that Doctor Warren  
 25 had represented that she could achieve the same thing

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1 by attrition?  
 2 A That's what she said.  
 3 Q All right. And we came up with a list of  
 4 people under her attrition. Are you familiar with  
 5 this list? And it's number 27 on a document filed in  
 6 court 8-6-18, page 13 of 19, in Beasley versus  
 7 McNulty. Can you look at that?  
 8 A (Witness reviews document.) So, what am I  
 9 supposed to look at?  
 10 Q Under her attrition, the amount of the cuts, if  
 11 you were added to it, like you were added in the  
 12 other one, her cuts would have been greater than  
 13 yours, wouldn't they?  
 14 A No.  
 15 Q Give it back.  
 16 A Because these positions had to be added back.  
 17 Q Well, just a minute. Now, under the -- under  
 18 hers, with attrition, it's \$998,000.00. Under yours  
 19 is one million and one dollar. And the only  
 20 difference between the two is that these five people  
 21 in Learning Services were cut, that is, Townsend,  
 22 Pride, Ray, Beckham, and Beasley. So, if you take  
 23 those five out -- and she doesn't have them in hers.  
 24 You take those five out, your cuts are only a half  
 25 million dollars, while hers, to begin with, including

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1 the people --  
 2 A She didn't include them.  
 3 Q My point to you is that she didn't have to  
 4 include them, she was keeping them. So, she is  
 5 keeping them and still saving \$998,000.00 if you and  
 6 Tackett leave?  
 7 A No.  
 8 Q Okay.  
 9 A Because the positions had to be added back.  
 10 Q Well, there is no reason the position had to be  
 11 added back.  
 12 A You've got to have a Director of Federal  
 13 Programs, you've got to have somebody over Human  
 14 Resources.  
 15 Q Just a moment. Who on this list was --  
 16 A Sam Astsul.  
 17 Q He is not on this list.  
 18 A The first name.  
 19 Q Just a minute.  
 20 MR. KEES: What page of the Complaint  
 21 is that?  
 22 THE WITNESS: Sam Astsul is on the top,  
 23 \$136,000.00.  
 24 MR. WALKER: Then, I stand corrected.  
 25 BY MR. WALKER:

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1 Q All right. Now, Sam Astsul wasn't cut the next  
 2 year. So, let's just deal with what we are dealing  
 3 for. Sam Astsul was not on your list.  
 4 A Sam Astsul left and we hired Darnell Bell for  
 5 that position.  
 6 Q Well, no. Sam Astsul did not leave until the  
 7 -- this current school year.  
 8 A No. I believe it was last year. I can't  
 9 remember when he left. He left in the middle of the  
 10 year sometime.  
 11 Q Oh, that's right. School had started. Now,  
 12 you have to have a Director of Federal Programs?  
 13 A Yes.  
 14 Q Now, is there any reason why either one of  
 15 these people couldn't have been, or Ms. Shirley  
 16 couldn't have been Director of Federal Programs?  
 17 A I don't know.  
 18 Q Well, Paul, you were aware that Ms. -- that Ms.  
 19 Shirley had been a middle school principal in this  
 20 district, weren't you?  
 21 A That's what she told me. I was not here at the  
 22 time.  
 23 Q You were not aware of it?  
 24 A No.  
 25 Q So, there is no reason that you had to go

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1 outside the district and hire somebody else, was  
 2 there?  
 3 A We didn't. We promoted an elementary  
 4 principal.  
 5 Q Who was that?  
 6 A Darnell Bell.  
 7 Q All right. And there is no reason for Mr. Bell  
 8 to have been promoted over Ms. Shirley, was there?  
 9 A Not if she would have applied and interviewed  
 10 and got the job.  
 11 Q No. But she had already been in the district a  
 12 lot longer and she was already hired, and y'all  
 13 transfer people, and you just hire people like  
 14 yourself for no reason, no application, anything.  
 15 A That's not true.  
 16 Q Did you apply for the present job?  
 17 A No.  
 18 Q All right. Let me go on, now. I want to go  
 19 back to how you did these cuts. Was Mr. Bell hired  
 20 at the same time that the Program Administrators were  
 21 let go?  
 22 A He was hired at the beginning of this school  
 23 year.  
 24 Q So, that's a year in between; right?  
 25 A 2018.

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1 Q That's a year in between. Now, is there any  
 2 particular -- but first of all, before you let these  
 3 people go, is there any particular reason not to  
 4 recall any of them for positions for which they were  
 5 qualified in view of your desegregation plan? The  
 6 desegregation plan called for you, didn't it, to  
 7 search for African-Americans and to put them in  
 8 positions?  
 9 A Yes.  
 10 Q All right. Now, Mr. Bell is already in the  
 11 district. So, you didn't have to search for him, and  
 12 he is already an administrator.  
 13 A He applied.  
 14 Q All right. But you also knew that these people  
 15 wanted their jobs back, didn't you?  
 16 A The jobs were not cut.  
 17 Q They had been terminated.  
 18 A You are talking about Ms. Shirley.  
 19 Q Well, I'm not talking about just Ms. Shirley.  
 20 A Okay.  
 21 Q I'm talking about --  
 22 A Well, that's who you said. I'm sorry.  
 23 Q It's pretty clear that you could have assigned  
 24 Ms. Shirley to the position that Mr. Bell got?  
 25 A Was it possible to have assigned her, that's

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1 true.  
 2 Q Yes.  
 3 A Would she have wanted it may be another one.  
 4 Q Well, maybe. But she came and talked to you,  
 5 didn't she?  
 6 A After I had offered her a position where she  
 7 could have kept her 12-month salary.  
 8 Q But you are going to add to her work  
 9 responsibilities and duties; right?  
 10 A Sure.  
 11 Q Now, you gave the white lady that you offered  
 12 it to some options that you did not give to her;  
 13 isn't that correct?  
 14 A No.  
 15 Q What did you say to the white lady? And the  
 16 lady testified, as you recall.  
 17 MR. KEES: Jo Ann?  
 18 THE WITNESS: Jo Ann Kohler?  
 19 MR. WALKER: Yes.  
 20 BY MR. WALKER:  
 21 Q Didn't she --  
 22 A I asked her if she would take on the ELL  
 23 position if we would remain on a 12-month contract.  
 24 The exact same thing I offered Ms. Shirley.  
 25 Q Yes. But she also said that she -- didn't she



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1 have something like bumping rights?  
 2 A What?  
 3 Q She did not have bumping rights. Seniority  
 4 people have bumping rights, and Ms. Shirley had  
 5 bumping rights, didn't she?  
 6 A That's why I went to her first.  
 7 Q She did have bumping rights, didn't she?  
 8 A I don't know about bumping.  
 9 Q Well, you say that --  
 10 A She has never held that position of ELL.  
 11 Q But you understood that she had bumping rights?  
 12 A She had seniority over Jo Ann, I know that,  
 13 because she has been here longer.  
 14 Q Well, did you consider that she had bumping  
 15 rights?  
 16 A You can't bump into a position you never held.  
 17 Q Well, she could have bumped into an assistant  
 18 principal -- I mean, a middle school principal,  
 19 couldn't she?  
 20 A I don't know exactly how long that expires.  
 21 But there would have had to have been an opening. I  
 22 think after two years, you lose your bumping rights.  
 23 Q Well, under bumping rights -- tell me how  
 24 bumping rights work.  
 25 A Well, it would be a convoluted mess. Shawn

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1 the last two years.  
 2 Q Well, where does it say in your document that  
 3 you have to have held it in the last two years?  
 4 A I don't know. That's just what Shawn told me.  
 5 Q So, Shawn told you that --  
 6 A I don't know.  
 7 Q All right.  
 8 A I told you to start with, I couldn't do a very  
 9 good job of telling you about bumping rights.  
 10 Q That's one of the benefits of litigation. Now,  
 11 did you explore giving her bumping rights?  
 12 A No.  
 13 Q All right. Did she assert bumping rights?  
 14 A You mean, did she ask if she could be bumped  
 15 into a position?  
 16 Q Yes.  
 17 A She asked me that.  
 18 Q And you refused her; right?  
 19 A No. I told her to talk to Shawn.  
 20 Q Okay. Do you know whether she talked to Shawn?  
 21 A I do not.  
 22 Q Is there any particular reason you didn't say,  
 23 "Well, I will look into it and get back with you"?  
 24 A No.  
 25 Q Is there any reason that Shawn did not present

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1 knows much more about that than I do.  
 2 Q Well, I'm asking you. You are the senior  
 3 person with presumably the most knowledge.  
 4 A If you have held a position before and you were  
 5 laid off for whatever reason, something, within the  
 6 two-year period, then you can ask to be put back in  
 7 that position.  
 8 Q That's one. But that being put back in the  
 9 position, that's not bumping, because "bump" means  
 10 putting somebody else out of the position, doesn't  
 11 it?  
 12 A That's correct.  
 13 Q So, what are bumping rights, Mr. Director --  
 14 Personnel Director?  
 15 A You can bump somebody out that you've got more  
 16 seniority than.  
 17 Q Did you offer her bumping rights?  
 18 A I didn't. I don't believe Shawn did, either.  
 19 Q Is there any reason you didn't?  
 20 A There was no opening.  
 21 Q Well, just a moment. In order to have bumping  
 22 rights, you don't need an opening, do you?  
 23 A No.  
 24 Q But since you don't need an opening --  
 25 A But you have to have held that position within

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1 these allocations, since she was the more  
 2 knowledgeable person?  
 3 A I wouldn't say she is more knowledgeable.  
 4 Q But you just indicated that --  
 5 A About the bumping rights.  
 6 Q Yes, that's right.  
 7 A Yes.  
 8 Q Okay. Now, did Ms. Beasley write a letter,  
 9 also, about bumping rights?  
 10 A I don't recall a bumping rights letter.  
 11 Q If she had spoken to you about it or written a  
 12 letter to you, would you have a record of it?  
 13 A I don't recall getting a letter.  
 14 Q What previous position, to your knowledge, did  
 15 Ms. Beasley hold in the district before she became a  
 16 Program Administrator?  
 17 A My best guess would be a math teacher.  
 18 Q That's your guess?  
 19 A That's a guess. I have no idea.  
 20 Q I see. All right. Now, there is a document,  
 21 Paul -- I'm sorry, Mr. Brewer. Did you prepare  
 22 Exhibit One to your testimony?  
 23 A Susan Alford did.  
 24 Q Did you prepare those allocations?  
 25 A Well, me along with other department heads.

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1 Q All right.  
 2 A We just took into consideration what they  
 3 wanted to do as far as adjustments. They might have  
 4 tried to add or take away from their departments.  
 5 This is a summation of what they were asking for.  
 6 Q It is. Is this what you presented to the  
 7 Board?  
 8 A I would have to say "yes".  
 9 Q All right. Go to page four.  
 10 A Okay. (Witness complies.)  
 11 Q You have in the last category, "Position  
 12 Comment". Do you see that, on page four, last --  
 13 A On the right?  
 14 Q Yes.  
 15 A Uh-huh. (Indicated yes.)  
 16 Q "Position Comment", and there are some things  
 17 there. But under Doctor Warren's office, there were  
 18 no comments; right?  
 19 A (No response.)  
 20 Q Just go to page two -- I guess that would be  
 21 two. I gave you the wrong page. They are either out  
 22 of order. It was number one. I stand corrected. Go  
 23 to page two.  
 24 A Okay. (Witness complies.)  
 25 Q On page two, this came from you. And at the

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1 bottom of the page, would you tell me what it says  
 2 next to "Chief Executive Officer/Human Resources" in  
 3 the last column?  
 4 A "RIF (Delete)". Delete that position.  
 5 Q All right. On page three, there is nothing.  
 6 Go to page four.  
 7 A (Witness complies.)  
 8 Q Under "Director of Elementary Education" and  
 9 "Secondary Education", in the last column, what does  
 10 it say?  
 11 A "They are RIFed and being frozen."  
 12 Q All right.  
 13 A And for the record, "frozen" simply means we  
 14 could bring it back in the future if someone chose  
 15 to.  
 16 Q All right. And then, on page five, "Program  
 17 Administrator", in the last column, what does it say  
 18 for the person under "NSLA"? Does it say, "RIF  
 19 (Delete)"?  
 20 A Yes.  
 21 Q Now, on page six, is it fair to say that under  
 22 Doctor Tackett's office, he is not listed in any way  
 23 as leaving as of this date, April 2nd, or April --  
 24 yes, April 2nd?  
 25 A On page six?

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1 Q Yes.  
 2 A That's listing the building administrators.  
 3 Q I understand. But there is nobody in his  
 4 department leaving; right?  
 5 A Well, that's not his department.  
 6 Q Well, it says that it's recommended by Tackett.  
 7 He wouldn't be recommending --  
 8 A Well, he is over them as far as that goes.  
 9 Q Yes. But there are no persons being  
 10 recommended for anything?  
 11 A Well, you've got to have principals in the  
 12 buildings.  
 13 Q Oh, yes. But there were no --  
 14 A We were not cutting any principals.  
 15 Q That's right. Nor was he being cut at that  
 16 time. Now, let's go on to --  
 17 A Now, go back with me, John, to page four.  
 18 Q All right. I will come back to you in just a  
 19 minute. Let me finish, and I'm pretty close.  
 20 A Well, his position was being cut.  
 21 Q All right. Let's go to page ten.  
 22 A (Witness complies.)  
 23 Q You have here "School Psychology Specialist"  
 24 and "Facilitator for Visually Impaired". And the  
 25 last column also says, "RIF (Freeze)"; right?

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1 A Yes.  
 2 Q Why did you use the term "RIF"?  
 3 A Because their positions were being eliminated.  
 4 Q Are you familiar with the Reduction in Force  
 5 policy?  
 6 A Well, sure.  
 7 Q Were you implementing a Reduction in Force  
 8 policy at the same time of this?  
 9 A If a position is being cut, we call it a RIF  
 10 and freeze. That means it could be brought back in  
 11 the future.  
 12 Q Well, was that pursuant to Exhibit Two to  
 13 McNulty? Would you look at the RIF policy?  
 14 A (Witness reviews document.) So, what am I  
 15 looking at?  
 16 Q Have you seen that document before?  
 17 A Sure.  
 18 Q Is that your RIF policy?  
 19 A Layoff, yes, RIF, Reduction in Force.  
 20 Q Is that what you were applying --  
 21 A Well --  
 22 Q Just a moment. Is that what you were applying  
 23 to --  
 24 A "Layoff" could be people nonrenewed, not  
 25 necessarily RIFed.

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1 Q Just a moment. Is that what you were applying,  
2 relating to when you use "RIF" in Exhibit -- this  
3 exhibit? (Indicating.) Were you actually relating  
4 to RIFs?  
5 A I don't know if RIFs are even listed on this  
6 page. It's Layoffs.  
7 Q Well, just a moment. That page is -- what is  
8 the title of that page, Mr. Brewer?  
9 A "Layoffs".  
10 Q Look at the top of the page. What does it say?  
11 A "Layoff" -- "Reduction in Force".  
12 Q It says "Reduction in Force". So, you don't  
13 even know -- you don't know that that page applied to  
14 the term "RIFs"?  
15 A Sure.  
16 Q Now, where does it say that when you nonrenew  
17 somebody that that's not a RIF?  
18 A It could be that they --  
19 Q No, no. Where does it say in writing that a  
20 nonrenewal is not a RIF?  
21 A Because a RIF --  
22 Q No. Where does it say it? I'm not asking for  
23 your interpretation. Is there any document?  
24 A I don't know that it says it or doesn't say it.  
25 Q Isn't it true that you don't have a document

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1 that says that?  
2 MR. KEES: Object to form.  
3 THE WITNESS: I don't know if we have a  
4 document that says that or not.  
5 BY MR. WALKER:  
6 Q All right. Why would you use "RIF" if that's  
7 not what you were doing?  
8 A Because that's what we were doing.  
9 Q You were RIFing?  
10 A We were reducing staff.  
11 Q So, did you RIF these people?  
12 A No, they were nonrenewed.  
13 Q But you RIFed them first, didn't you?  
14 A I don't think so.  
15 Q Well, you don't think so. You told -- isn't it  
16 true that you told them that they were going to be  
17 reduced in force?  
18 A I told them they would be nonrenewed.  
19 Q When did you tell them that?  
20 A I don't know. We had a meeting. I certainly  
21 don't recall the date. But I called them all  
22 together.  
23 Q Was that before April 2nd?  
24 A I have no idea.  
25 Q Was it before the second emergency Board

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1 meeting?  
2 A That that was going to be my recommendation.  
3 Q Well, didn't you also tell them that they were  
4 going to be RIFed?  
5 A I don't recall that.  
6 Q Let me ask you, Paul, did you ever develop a  
7 RIF plan in writing?  
8 A No.  
9 Q But you applied a RIF plan, according to this  
10 document and the allocations? In order for you to  
11 have a RIF plan, it has got to be in writing, hasn't  
12 it?  
13 A It has got to be according to the policy.  
14 Q It has got to be in writing, and you have to  
15 have goals and objectives, and you have to treat  
16 everybody alike, don't you?  
17 A Yes.  
18 Q Did you ever develop anything in writing?  
19 A All of our allocations were developed in  
20 writing.  
21 Q Did you ever develop a RIF plan in writing?  
22 A I don't recall one.  
23 Q Did you ever develop a plan for the nonrenewal  
24 of people you decided to RIF in writing?  
25 A Well, there was no plan. We just nonrenewed

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1 them in a letter.  
2 Q Now, did Doctor Warren agree to nonrenew these  
3 people?  
4 A She signed the forms.  
5 Q Wasn't she directed to sign the forms?  
6 A That might could be her answer.  
7 Q Well, no. You heard that. Did she tell you --  
8 weren't you present at the School Board meeting when  
9 she said she was not recommending their nonrenewal?  
10 A Yes.  
11 Q Which means that there is no administrative  
12 recommendation for their nonrenewal?  
13 A That's correct.  
14 Q So, you didn't recommend their nonrenewal,  
15 either, did you?  
16 A No.  
17 Q So, where is administrative evidence of  
18 nonrenewal? Administrative evidence?  
19 A Right here. (Indicating.) What was presented  
20 to the Board.  
21 Q You said that those are the people that you  
22 could have adversely affected; right?  
23 A Well, sure.  
24 Q You could. But now, did the Board ever approve  
25 that list in a meeting?

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1 A Yes.

2 Q So, it approved it by approving the

3 allocations; is that right?

4 A That's correct.

5 Q At the Board -- did you tell the Board the same

6 thing you have told me, that you were engaging in

7 RIFs?

8 A I told them we were -- well, you are wanting me

9 to say "yes" or "no".

10 Q Yes.

11 A We were actually combining positions to try to

12 do cost savings, and downgrading some positions to

13 cost save.

14 Q Now, isn't it true this was not a district-wide

15 Reduction in Force?

16 A This one or this one? (Indicating.)

17 Q Either one?

18 MR. KEES: What is the "this", for the

19 record?

20 THE WITNESS: This one is

21 district-wide.

22 BY MR. WALKER:

23 Q Which one is district-wide?

24 A Both of them.

25 Q All right. That means you considered all the

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1 Q Do you know whether they did?

2 A I do. We bump -- we get a lot of people bump

3 every year when you start reducing staff.

4 Q So, you have a bumping process that's beyond

5 the RIF?

6 A Well, if people held those jobs and they were

7 cut and then a position came open, then we call them

8 for re-call rights.

9 Q Now, have you all investigated -- developed

10 sophistication where in order to avoid bumping, what

11 you can do is change the job description and then put

12 a different title on it and keep all the duties

13 basically the same?

14 A No.

15 Q Weren't the persons that were -- let me ask

16 you. Are you familiar with the position of District

17 Instructional Strategist?

18 A Yes.

19 Q Did you develop that -- did you develop that?

20 A No.

21 Q Who developed that?

22 A I'm not sure.

23 Q Did you approve it?

24 A Yes.

25 Q When did you approve it?

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1 positions in the district?

2 A Each department.

3 Q Each department?

4 A Uh-huh. (Indicated yes.)

5 Q Classified and nonclassified?

6 A That's correct.

7 Q But you had no criteria?

8 A To cut the staff was our criteria.

9 Q Well, just a moment.

10 A Cost savings was the criteria.

11 Q Did you do so by administrative seniority?

12 A I would say "no".

13 Q Did you reduce the people who had the least

14 seniority?

15 A Probably not in all cases.

16 Q Did you ever inform any persons who were being

17 reduced that they were eligible to bump into any

18 lower level job previously held?

19 A Yes. A lot of people were recalled to

20 positions.

21 Q Did you ever tell them that they were able to,

22 quote, "bump" into any lower level job that they had

23 previously held?

24 A In the classified ranks, Kim White did, in the

25 certified ranks, Shawn would have.

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1 A I don't have the date unless it's on the --

2 should be on the back where Doctor Warren and I both

3 signed it.

4 Q Doctor Warren?

5 A Doctor Warren and I saw any -- we both signed

6 any change in any job description.

7 Q Are you familiar with Exhibit 3a to McNulty,

8 Program Administrator?

9 A I'm familiar with it, yes.

10 Q Did you develop that one?

11 A No.

12 Q How was it developed?

13 A It was developed prior to me becoming the CEO

14 of the district.

15 Q Can you tell me what the difference in the two

16 positions is?

17 A Not off the top of my head.

18 Q Well, look at them a minute.

19 A (Witness reviews document.) Looks like this

20 one has less responsibility.

21 Q Which one?

22 A The new one.

23 Q The new one has less responsibility?

24 A Yes.

25 Q Why do you say it's less responsibility?

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1 A Well, a lot of it could be incorporated into  
2 any sentence. But obviously this one has got 22  
3 responsibilities, this one has got 16.  
4 Q So, that's what you mean by "less"?  
5 A Yes.  
6 Q What is the goal of both? Are the goals the  
7 same?  
8 A Leadership. Yeah, they are the same.  
9 Q Are they identical?  
10 A Uh-huh. (Indicated yes.)  
11 Q Yes. Did you ever make a comparison of the job  
12 descriptions of the two jobs?  
13 A Doctor Warren and I both did.  
14 Q Why did you develop a new job description --  
15 you and Doctor Warren develop a new job description  
16 for Instructional Strategist?  
17 A Because I think the intent was to hire some, if  
18 not all, Program Administrators back under a  
19 different job description.  
20 Q Whose intent was that?  
21 A I guess Doctor Warren. I don't know.  
22 Q Well, how do you know what their intent was?  
23 A I don't.  
24 Q Well, you just -- you offered that. I didn't  
25 solicit it. You offered it as that was the intent.

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1 Did anybody tell you that that was their intent?  
2 A No.  
3 Q Did you ever discuss that position with anybody  
4 else?  
5 A This position?  
6 Q Yes.  
7 A I talked to Doctor McNulty on the phone.  
8 Q I see. Now, before Doctor McNulty was made  
9 Superintendent, did you ever talk to him on the  
10 phone?  
11 A Before he was officially hired?  
12 Q Before he officially -- before he -- let's say,  
13 before April the 5th?  
14 A I don't recall. I don't know the dates.  
15 Q Now, between April the 5th and July 1st, did  
16 you ever talk to him?  
17 A Yes.  
18 Q Briefly?  
19 A I don't know how briefly. Some might have been  
20 longer than others.  
21 Q Approximately how many times do you recall  
22 talking to him regarding personnel matters?  
23 A Three or four.  
24 Q Did you make any notes?  
25 A I hope not.

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1 Q Did you tell him what the Board had directed be  
2 done with respect to cutting staff?  
3 A I told him that the Board directed Doctor  
4 Warren and I to not accept the recommendation of the  
5 allocations and to go back and see what Central  
6 Office jobs could be eliminated or cut or reduced.  
7 Q Did you give him any dollar amount as to the  
8 amount of the cuts?  
9 A No.  
10 Q Does the figure \$5 million have any meaning to  
11 you?  
12 A Well, I think the Board said we needed to cut  
13 at least \$5 million. But that would be impossible in  
14 the Central Office.  
15 Q No. I'm just asking you what the Board said,  
16 rather than --  
17 A I don't remember her saying \$5 million.  
18 Q Do you remember telling Doctor McNulty that the  
19 cuts should have been approximately \$5 million?  
20 A No.  
21 Q Did you tell him -- did you give him any amount  
22 of the cuts?  
23 A No.  
24 Q Was there any effort ever to cut the budget by  
25 \$5 million?

Page 84

1 A I'm not aware.  
2 Q Have you had any more Reductions in Force since  
3 April of 2018?  
4 A Which would include this coming year?  
5 Q Yes.  
6 A We are reducing around 65 teaching positions.  
7 Q Do you have a written plan for it?  
8 A I won't be here.  
9 Q Well, the plan should have been developed. So,  
10 have you developed a plan for RIFs for this year?  
11 A I was not included in that.  
12 Q Who was included in it?  
13 A I would say Ms. Burgess, Doctor McNulty, Doctor  
14 Williams, and Ms. Smith, the Deputy Superintendent.  
15 Q Is it fair to say that most of the positions  
16 that were cut have been hired back?  
17 A No. You mean, for this coming year?  
18 Q No. For last year? The ones that were cut in  
19 '17-'18, most of those positions on your list were  
20 rehired one way or another by some -- by either the  
21 title or --  
22 A They were absorbed. The Director of Elementary  
23 Ed became Ms. Smith. The Deputy Superintendent took  
24 on that job. The Director of Secondary Education  
25 became Doctor McNulty's responsibility. So, we

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1 didn't hire those jobs back.  
 2 Q Now, who became the Program Administrator?  
 3 A There were two replaced, Ms. Ray, who was part  
 4 of the original group, and Doctor Strickland, who  
 5 came from Pine Bluff.  
 6 Q So, they replaced Ms. Pride and Ms. Beasley?  
 7 A I don't know about names. They replaced those  
 8 positions.  
 9 Q They did? Why do you say that that happened?  
 10 A Because that's the positions that were  
 11 developed and implemented and allocated, and those  
 12 are the people that applied and interviewed for the  
 13 job.  
 14 Q So, those two -- the two descriptions that I  
 15 gave you, those are essentially the same positions,  
 16 aren't they?  
 17 A I couldn't say that they are essentially the  
 18 same. There is less responsibilities for the one  
 19 that was developed.  
 20 Q So, you reduced the responsibilities?  
 21 A It would appear so.  
 22 Q Who took on the responsibilities that were not  
 23 added in the Instructional Specialist position?  
 24 A They were probably absorbed to other positions.  
 25 Q Probably, but you don't know that, do you?

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1 A Don't know for a fact.  
 2 Q Was there any attempt to have them absorbed in  
 3 any plan that you developed?  
 4 A We did a lot of absorbing, running two jobs  
 5 together in one.  
 6 Q Well, look back at this. If I were to suggest  
 7 to you that the positions are basic -- the strategist  
 8 and the administrator positions are the same, would  
 9 you disagree with me?  
 10 A Yes.  
 11 Q Well, let me ask you, are the Instructional  
 12 Strategists paid more or less or the same as the  
 13 Program Administrators?  
 14 A You don't have that page on here.  
 15 Q Well, I'm just asking you to tell me what the  
 16 pay is.  
 17 A I can't recall it right off the top of my head.  
 18 Q Well, I will give you the strategist's  
 19 position. I don't see a pay on there. Can you tell  
 20 me what it is?  
 21 A You don't have the back page.  
 22 Q Turn it over.  
 23 A Okay. Here it is.  
 24 Q The back page is there.  
 25 A "Salary range: Teacher salary schedule plus

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1 the certified administrative index."  
 2 Q But that meant that there were no changes,  
 3 doesn't it --  
 4 A I don't know --  
 5 Q -- in pay?  
 6 A -- without having the index in front of me.  
 7 Q Now, let me have that back. Now, Mr. Brewer,  
 8 did you know what those people did at the time you  
 9 recommended that they be cut?  
 10 A No, I didn't have a -- I mean, I had a general  
 11 idea, but not in detail.  
 12 Q I see. Would you look at -- I'm going to go  
 13 over a few of them.  
 14 A The job description?  
 15 Q The job description. I want you to compare the  
 16 two side by side. The goals, to begin with, are the  
 17 same, aren't they?  
 18 A Yes.  
 19 Q And then, relating to the district's  
 20 desegregation planning and the Learning Services  
 21 Division is basically the same, isn't it?  
 22 A I don't see it on the old one.  
 23 Q You don't see it on the old one? Well, that  
 24 was part of why you all had it in the first place,  
 25 isn't it?

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1 A I'm just saying, it's not in the same order.  
 2 So, it may be on here. I haven't found it yet.  
 3 Q But that was the reason you were doing it. It  
 4 was to address the academic achievement deficiencies  
 5 of Plan 2000, wasn't it?  
 6 A Yes.  
 7 Q That's why Doctor Remele developed it, wasn't  
 8 it? Doctor Remele developed that program for --  
 9 A You mean, this one?  
 10 Q Yes.  
 11 A The old one?  
 12 Q Yes.  
 13 A I guess she -- I don't know if she did that.  
 14 Q All right.  
 15 A You are talking about when she was employed?  
 16 Q Yes.  
 17 A Yeah. I would assume she did.  
 18 Q All right. Now, is the number eight on the old  
 19 one --  
 20 A "Direct the textbook adoption" --  
 21 Q Number eight on the new one the same as number  
 22 ten on the old one?  
 23 A Yes.  
 24 Q Is number 12 on the new one the same as number  
 25 nine -- no. Number nine on the new one the same as

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1 number 12 on the old one?  
 2 A Yes.  
 3 (WHEREUPON, there was a telephone  
 4 interruption.)  
 5 THE WITNESS: Sorry about that. Go  
 6 ahead. I'm sorry.  
 7 BY MR. WALKER:  
 8 Q That's all right. Is number 12 on the new one  
 9 the same as number 16 on the old one?  
 10 A Yes.  
 11 Q And isn't number 15 on the new one the same as  
 12 number 19 on the old one?  
 13 A Yes.  
 14 Q And you do say that it was developed in order  
 15 to give these people an opportunity to be placed  
 16 again doing pretty much what they were already doing;  
 17 is that right to say?  
 18 A Well, with a few reductions.  
 19 Q With a few reductions. Was their pay to be  
 20 reduced?  
 21 A I don't have the pay in front of me.  
 22 Q Well, was that the intent?  
 23 A No.  
 24 Q All right. Now, what other differences were  
 25 intended to be between Instructional Specialist and

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1 Program Administrator?  
 2 A Well, the difference would be to give the new  
 3 Superintendent input into how he wanted the  
 4 Instructional --  
 5 Q That's the only difference; right?  
 6 A The only difference in what?  
 7 Q Between the two positions, pretty much?  
 8 A To get his input?  
 9 Q Yes.  
 10 A I would hope so, along with anybody else,  
 11 Doctor Warren and everybody else who has to do with  
 12 Learning Services.  
 13 Q All right.  
 14 A And Ms. Smith.  
 15 Q Now, we had a discussion about this earlier.  
 16 Doctor Warren said she was available to participate,  
 17 you said she was not present. How did you know she  
 18 was not present?  
 19 A She wasn't here.  
 20 Q Did you go to her office to ascertain that --  
 21 A I did.  
 22 Q -- or did someone tell you?  
 23 A I went to her office and I went to probably  
 24 several people, the secretary for the Superintendent.  
 25 Q Well, now, isn't it true that you all often get

Page 91

1 things done by communication without there being  
 2 actual presence, physical presence?  
 3 A I haven't.  
 4 Q But people -- are you literate by computer?  
 5 A Not real good.  
 6 Q You could have reached her by computer,  
 7 couldn't you?  
 8 A I don't know if she had a computer.  
 9 Q You don't know whether she has one or not?  
 10 A Huh-uh. (Indicated no.)  
 11 Q Do you have one?  
 12 A No. I have one in my office. You mean a  
 13 personal one?  
 14 Q Well, no. Where you could have reached her.  
 15 Have you ever communicated with her by computer?  
 16 A Not very often. I go down and talk to her face  
 17 to face.  
 18 Q Have you ever communicated with her by an  
 19 exchange of e-mails or text messages?  
 20 A I'm sure at some point in time we have over the  
 21 last ten years. No, it wasn't that long when we  
 22 hired her.  
 23 Q Did you want her input into this matter?  
 24 A Sure.  
 25 Q Did you make any effort to get it?

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1 A She wasn't here.  
 2 Q No. Did you make any effort to get it?  
 3 A I did not call her, I did not e-mail her.  
 4 Q Did you ask your secretary to reach her?  
 5 A No.  
 6 Q Did you ask Ms. Burgess or anyone else in the  
 7 district to reach her?  
 8 A No.  
 9 Q Which means you made no real effort to try to  
 10 reach her?  
 11 A I knew we would have one day when she got back.  
 12 Q When she got back, did you talk to her?  
 13 A I did.  
 14 Q Before you went to the Board?  
 15 A Yes.  
 16 Q She says that that didn't happen.  
 17 A It did.  
 18 Q Do you have any evidence that it did?  
 19 A We sat down and went through all this. I don't  
 20 know what you mean by "evidence".  
 21 Q Well, do you have notes of that?  
 22 A No.  
 23 Q Who else was present?  
 24 A She and I met in my office the day that she  
 25 came back.

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1 Q For how long, Mr. Brewer?

2 A Thirty minutes to an hour. I went through

3 these -- I went through what I was going to recommend

4 with her.

5 Q Did she approve that?

6 A She didn't agree with -- she agreed, as far as

7 I know, all of it except the Learning Services.

8 Q All right. So, let me understand that. She

9 disagreed with the Learning Services?

10 A That's correct.

11 Q And what was the basis for her disagreement

12 with the Learning Services?

13 A You would have to ask her. I have no idea.

14 Q Are you saying that she didn't tell you?

15 A She just thought we couldn't do that because

16 that's basically the instructional people in our

17 district.

18 Q And you disagreed with her?

19 A No, I didn't disagree with her.

20 Q Well, since she disagreed with it, why would

21 you submit it to the Board?

22 A Because I was asked to try to find cuts. The

23 Board didn't have to approve it.

24 Q So, notwithstanding her disapproval, you

25 submitted them, anyway; is that right?

Page 95

1 Q I see. When you presented your allocations to

2 the Board, did you tell the Board that Doctor Warren

3 disagreed with the Learning Services cuts?

4 A I don't remember if I said that or not. I

5 would think I would have, but I can't say for sure.

6 Q Didn't Doctor Warren also disagree with cutting

7 back on Ms. Shirley's position?

8 A She never voiced that to me. She never voiced

9 cutting Danny Ebbs, either.

10 Q Pardon?

11 A She did not voice disagreement with cutting

12 Danny Ebbs, either.

13 Q I didn't mention Danny Ebbs. Why you always

14 want to bring in the white person?

15 A Well, because you are doing it one-sided. She

16 didn't agree with me on either one -- disagree.

17 Q She didn't disagree with you on either one?

18 A That's correct.

19 Q Did she say anything one way or another?

20 A I don't recall that she did.

21 Q Okay. Why don't you just say you don't recall

22 rather than that she didn't? If you don't recall and

23 then on the other hand you say she didn't, that's

24 inconsistent, isn't it?

25 A Well, I guess so.

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1 A She might not have agreed that I should have

2 been cut back to Assistant Superintendent. I didn't

3 ask her.

4 Q Well, you really weren't. You can say it, but

5 you weren't. You kept your pay.

6 A I did not keep my pay.

7 Q And you kept your office all that time. You

8 never lost your office, did you?

9 A Yes, I did. I lost a check, and I wasn't at

10 work for ten days.

11 Q Well, that was voluntary, wasn't it?

12 A No. Because I wasn't hired by the Board until

13 they had their meeting.

14 Q Did anybody tell you that you were terminated?

15 A I terminated myself. I sent a letter in to

16 retire.

17 Q Oh, you did?

18 A I did.

19 Q I would like to have a copy of that.

20 A Okay.

21 MR. WALKER: Would you get that, Cody?

22 MR. KEES: Yes.

23 BY MR. WALKER:

24 Q And did you do that on or before July 1?

25 A I did it -- I want to say it was April or May.

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1 Q All right.

2 MR. WALKER: Let me have a minute or

3 two, Cody, if you will. Before I go, Ms.

4 Springer has given this to me.

5 BY MR. WALKER:

6 Q Is Laura Strickland working for you all?

7 A She is. She is a Strategist.

8 Q What was she doing the year before?

9 A She worked at Pine Bluff. I want to say as

10 some type of administration, but I'm not totally sure

11 what her responsibilities were.

12 Q Is she white or black?

13 A Black.

14 Q So, you brought a black lady in from Pine Bluff

15 to do what Ms. Townsend and Ms. Beasley and Doctor

16 Pride were doing?

17 A They didn't apply.

18 Q Well, if they were RIFed, they didn't have to

19 apply, did they?

20 A Yes.

21 Q So, it was your position --

22 A They were nonrenewed.

23 Q They were RIFed first, and then you called them

24 nonrenewed.

25 A Gave them a Letter of Nonrenewal.



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1 Q If you said that they were RIFed --  
 2 A I never said they were RIFed.  
 3 Q The document says that you had a RIF plan in  
 4 place. Didn't you tell the Board also in a public  
 5 meeting that these people were being RIFed?  
 6 A I told them they were being nonrenewed.  
 7 Q You also told them, after they filed their  
 8 notices, that they were being nonrenewed. But you  
 9 have publicly stated that these people were RIFed,  
 10 haven't you?  
 11 A I don't recall that.  
 12 Q And if they were RIFed, isn't it true that they  
 13 didn't have to reapply for their position?  
 14 A It was a different job.  
 15 Q Pardon?  
 16 A It was a different job.  
 17 Q Why was it a different job?  
 18 A Two different job descriptions.  
 19 Q It was two different job descriptions? That's  
 20 fine. Okay.  
 21 A It looks to me like there are.  
 22 Q Okay. Can you tell me one material difference  
 23 in the two?  
 24 A No.  
 25 Q Okay. Did you also give -- I notice that you

Page 99

1 right. Now, did the Board ask you to make cuts in  
 2 April of this year?  
 3 A I wasn't involved in allocations this year.  
 4 Q Well, you went to the Board meetings. You  
 5 always went to the Board meetings.  
 6 A I went to the Board meetings.  
 7 Q Did you ever hear the Board state that they had  
 8 a determination this year to cut \$5 million in staff?  
 9 A I did not. I'm not saying they didn't say it,  
 10 but I don't recall that.  
 11 Q All right. Now, when the Board -- when you all  
 12 didn't reach \$5 million in cuts, did the Board ever  
 13 address that fact that you didn't reach \$5 million,  
 14 or even \$2 million, after April of 2017?  
 15 A '17?  
 16 Q Did they ever revisit the effects of the cuts  
 17 after the allocations were approved?  
 18 A In 2017?  
 19 Q Yes.  
 20 MR. KEES: '18.  
 21 BY MR. WALKER:  
 22 Q It was '18. In 2018, did they ever readdress  
 23 that?  
 24 A No, not that I'm aware of.  
 25 Q In other words, nobody -- no Board resolution

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1 all are cutting back, but you are also giving  
 2 stipends, aren't you? You gave Ms. Laura Strickland  
 3 a stipend of \$10,000.00, didn't you?  
 4 A If it's a cost savings, we did approach that.  
 5 Q Did you give Ms. Strickland a stipend of  
 6 \$10,000.00?  
 7 A In lieu of having to hire someone to be over  
 8 Dyslexia.  
 9 Q But you took a stipend away from Ms. Shirley,  
 10 didn't you?  
 11 A I'm not aware of a stipend being taken away.  
 12 MR. WALKER: All right. Give me a  
 13 minute or two, and I think I will be  
 14 finished with you, Paul.  
 15 THE WITNESS: All right.  
 16 (WHEREUPON, a discussion was held off  
 17 the record.)  
 18 (WHEREUPON, a break was taken.)  
 19 BY MR. WALKER:  
 20 Q Mr. Brewer, just a few more questions. And I  
 21 appreciate you. I just want to say that I have  
 22 always considered you, notwithstanding the tenor of  
 23 my questions and the like, to be my friend.  
 24 A I agree.  
 25 Q And I will always consider you to be. All

Page 100

1 was passed indicating that they needed to have more  
 2 money cut or that the cuts were not satisfactory?  
 3 A I didn't hear them say that.  
 4 Q All right.  
 5 A Because I cut -- you know, that was my  
 6 recommendation.  
 7 Q I understand. Now, listen, with respect to Ms.  
 8 Denise Palmer, did she participate in the budget  
 9 reduction process with you?  
 10 A No.  
 11 Q Did she ever come up with a plan for budget  
 12 reduction?  
 13 A Not with me.  
 14 MR. WALKER: Thank you very much.  
 15 MR. KEES: Briefly.  
 16 CROSS EXAMINATION  
 17 BY MR. KEES:  
 18 Q On Ms. Shirley here, her contract was cut from?  
 19 A Twelve to 11.  
 20 Q And did you offer her anything to make up the  
 21 difference?  
 22 A I did.  
 23 Q What did you offer her?  
 24 A The position that was being eliminated for ELL,  
 25 E-L-L.

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1 Q E-L-L?  
 2 A Yes.  
 3 Q English?  
 4 A English as a Second Language, ESL.  
 5 Q You offered her that. Did she accept it?  
 6 A No.  
 7 Q Would that have put her back on a 12-month?  
 8 A Yes.  
 9 Q And then, Ms. Beasley, Doctor Pride, and Ms.  
 10 Townsend, do you know if they applied for the open  
 11 Instructional Specialist positions?  
 12 A Strategist?  
 13 Q Instructional Strategists?  
 14 A No.  
 15 Q No, or you are saying they didn't?  
 16 A I'm not aware that they applied.  
 17 Q You just don't know?  
 18 A No. Ms. Townsend applied for an elementary  
 19 principal's position, but not for the Strategist  
 20 position, no.  
 21 Q So, did Ms. Shirley tell you why she didn't  
 22 want to accept that stipend, or that additional duty  
 23 to get back on the 12-month?  
 24 A No.  
 25 Q And that was offered to her first, and then

Page 102

1 when she declined it, it was offered to Ms. Kohler?  
 2 A That's correct.  
 3 Q She accepted it?  
 4 A Yes.  
 5 MR. KES: That's all I've got.  
 6 MR. WALKER: Let me ask.  
 7 REDIRECT EXAMINATION  
 8 BY MR. WALKER:  
 9 Q Was Ms. Shirley qualified for the ELL position?  
 10 A Yes.  
 11 Q Or did it matter? That's English as a Second  
 12 Language; right?  
 13 A Right.  
 14 Q You have to be able to speak Spanish, don't  
 15 you?  
 16 A No.  
 17 Q Well, you have to be able to communicate with  
 18 the Hispanic population?  
 19 A It would be better if you do.  
 20 Q But you didn't seek to know whether she met the  
 21 qualifications?  
 22 A Ms. Shirley?  
 23 Q Yes.  
 24 A She was qualified, because she was certified.  
 25 It requires a certified person. And it doesn't

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1 require a certified person in any subject.  
 2 Q I see.  
 3 MR. WALKER: Thank you, Mr. Brewer.  
 4 Hope you have a good evening.  
 5 (WHEREUPON, McNulty Exhibit Two and 3a  
 6 were marked for identification.)  
 7 (WHEREUPON, at 4:45 p.m., the taking of  
 8 the above-entitled deposition was  
 9 concluded.)

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1 Exhibit One.  
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Exhibit Two.

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McNulty Exhibit Two.

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## CERTIFICATE

STATE OF ARKANSAS )  
 ) ss.:  
COUNTY OF PULASKI )

I, DEBBYE L. PETRE, Certified Court Reporter  
and notary public in and for the County of Pulaski,  
State of Arkansas, duly commissioned and acting, do  
hereby certify that the witness herein was by me  
first duly sworn to testify the whole truth and  
nothing but the truth prior to taking down in  
Stenotype the questions, answers, and proceedings  
during said deposition, and from such recordation was  
thereafter reduced to print by means of computer-assisted  
transcription, and the same fully, truly,  
and correctly reflects the proceedings had.

I FURTHER CERTIFY that the above deposition  
was given by the witness and taken at the times and  
in the place hereinabove set forth.

I FURTHER CERTIFY that I am not attorney or  
counsel of any of the parties, nor am I relative or  
employee of any attorney or counsel or party  
connected with the action, and have no interest in  
the outcome or results of this litigation.

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Page 110

1 WHEREFORE, I have subscribed my signature  
2 and affixed my notarial seal as such notary public at  
3 the City of Little Rock, County of Pulaski, State of  
4 Arkansas, this the 24th day of June, 2019.

5  
6  
7  
8 DEBBYE L. PETRE, CCR  
9 NOTARY PUBLIC IN AND FOR  
10 PULASKI COUNTY, ARKANSAS  
11  
12  
13

14 My Commission Expires:

15  
16 August 4, 2020.  
17

18 ---O---

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